

REMARKS

Claims 1-3, 6 and 11-13 are pending.

Claims 4-5 and 7-10 are withdrawn.

Claims 1-3,6 and 11-13 are rejected.

35 US 103(a)

Claims 1-3, 6 and 11-12 are rejected under 35 USC 103(a) as being unpatentable over Ushirogouchi, US 5,691,101 in view of Wolleb, US 6,087,492.

The Examiner points to Ushirogouchi as teaching a photosensitive composition comprising elements b through e. Examiner also states that Ushirogouchi suggests the addition of phthalocyanines (co. 9, line 3). In order to meet the limitations of the claims, the Examiner combines Wolleb with Ushirogouchi. The Examiner appears to believe that Wolleb's definition of the phthalocyanine encompasses present formula (1).

The Applicants do agreed with the Examiner in that Ushirogouchi **does not** teach the specific phthalocyanine of formula (1). However, the Applicants respectfully disagree that Wolleb describes a phthalocyanine which is encompassed by the present formula (1).

The present formula (1) requires that the rings **A,B,C and D** are substituted by **hydroxy** or by the moiety **–O-(CR₁R₂)_n-phenyl**.

Upon reading Wolleb description of his formula (I), the Applicants see absolutely no overlap between Wolleb and the presently claimed formula (1).

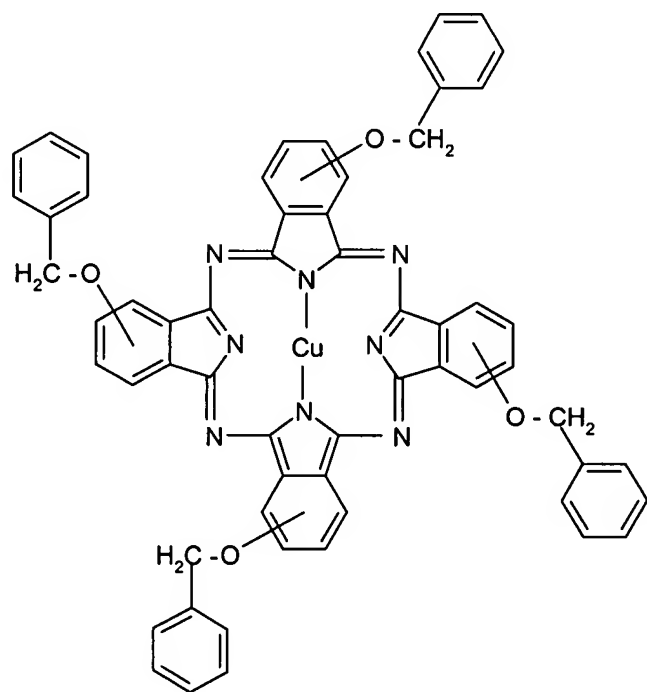
The Wolleb formula (1) may be substituted by X Y or Z.

The X, Y and Z markush groups do not encompass **hydroxy** or the moiety **–O-(CR₁R₂)_n-phenyl**., a requirement of the present claims.

Wolleb discloses that Y may be R1. R1 may be C1-C20 alkoxy (see abstract and col. 4, line 43). But Applicants respectfully point out that alkoxy is not the same as **hydroxy** or the moiety **–O-(CR1R2)n-phenyl**.

Furthermore, not only does Wolleb fails to suggest a single substitution of any of the A,B,C and D rings with **hydroxy** or the moiety **–O-(CR1R2)n-phenyl** but most certainly never makes a suggestion that all rings A, B,C and D be substituted with **hydroxy** or the moiety **–O-(CR1R2)n-phenyl**.

The Examiner makes the statement on page 3, that col. 3, line 43 (of Wolleb) specifically teaches substitution of the phthalocyanine by an n-octyl group as in instant claim 2. This is incorrect. The present claim 2 claims:



The above claimed substitution is quite different than an aliphatic alkoxy substitution disclosed of Wolleb.

Thus as Ushirogouchi does not teach the present phthalocyanine of formula (1) and Wolleb fails to make up for that deficiency, the above obviousness rejection is improper as all the limitations of the present claims are not present in the references.

Claims 1 and 13 are rejected under 35 USC 103(a) as being unpatentable over Sasaki, US 4,789,620 in view of Wolleb, US 6,087,492.

The above argument applies in this rejection as well. Wolleb does not disclose or suggest the present formula (1). Thus there can be no obviousness by combining Sasaki and Wolleb

Reconsideration and withdrawal of the rejection of claims 1-3, 6 and 11-13 is respectfully solicited in light of the remarks *supra*.

Since there are no other grounds of objection or rejection, passage of this application to issue with claims 1-3, 6 and 11-13 is earnestly solicited.

Applicants submit that the present application is in condition for allowance. In the event that minor amendments will further prosecution, Applicants request that the examiner contact the undersigned representative.

Respectfully submitted,



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